IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2728 OF 2007

Shri Sai Trading Co. .. Petitioner.

V/s.

Sangli Miraj & Kupwad City
Municipal Corporation, Sangli & Ors. .. Respondents.

Mr.Y.S.Jahagirdar, Sr.Advocate with Girish S.Godbole for the Petitioner.

Mr. N.V.Walawalkar,Sr.Advocate with Sudhir Prabhu for Respondent No.1.

Mr. R.D.Rane, Govt.Pleader for the Respondents 2 to 5.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 17th APRIL, 2007.

P.C.:

. Considering the Judgment of the Supreme Court that against the dismissal of an Appeal, under section 37 a Revision is maintainable, we are not inclined to interfere in this petition in the extra ordinary jurisdiction of this court.

2. The petitioner has to deposit a sum of Rs. 12 lakhs. By the order dated 9th of April, 2007, the learned Principal District Judge modified the order, setting out that the order of stay already granted will

be in operation till 19th April, 2007 or till the amount of deficit reaches to the figure of Rs.4.20 crores upto 15.04.2007, whichever is earlier. The petitioner has on 15.04.2007 deposited a sum of Rs.12 lakhs. There is some dispute on that count. However, as the 15th was a holiday, the amount has been deposited by the petitioner on the next working day.

3. Considering the above, liberty granted to the petitioner to file revision petition. Interim order granted on 09.04.2007 to continue for a further period of 4 days from today.

4. On behalf of the respondent No.1, learned counsel makes a statement that the sum of Rs. 12 lakhs would not cover the deficit amount, where as the liability of the petitioner is more than Rs.4.50 crores.

5. The petitioner to give notice to the Respondent No.1 if the petitioner apply for interim relief.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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